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THE  
VIRGINIA MAGAZINE  
OF  
HISTORY AND BIOGRAPHY.

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THE RANDOLPH MANUSCRIPT.

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VIRGINIA SEVENTEENTH CENTURY RECORDS.

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From the Original in the Collection of the Virginia Historical  
Society

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Commission and Instruction to the Earl of Orkney for the Gov-  
ernment of Virginia.

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(Continued)

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20. And it having been further represented that a Duty to be raised upon Liquors Imported into our said Colony would be the most easy Means that can be found out for the better Support of that Government, You are therefore to recommend to the Assembly the raising of such Impost & continuance of the same, which you shall Permit them to Appropriate in such Manner that it be apply'd to the Uses of the Government and to None Other whatsoever.

21. You are to take Care that in all Acts or Orders to be Pass'd within that our Colony in any Case for Levying Money or Imposing fines & Penalties express mention be made that the Same is Granted or reserv'd to Us Our Heirs and Successors for the Publick Uses of that Our Colony, and the Support of the Government thereof, as by the said Act or Order Shall be directed.

22. Whereas we have been inform'd that during the late War Intelligence has been had in France of the State of our Plantations by letters from private Persons to their Correspondents in great Britain taken on board Ships coming from the Plantations and carry'd into France which may be of Dangerous consequence OUR WILL & PLEASURE is that you Signify to all Merchants Planters and Others that they be very Cautious in time of War whenever that shall happen in giving any Account by Letters of the Publick State and Condition of our Colony & Dominion of Virginia, and You are further to give directions to all Masters of Ships or Other Persons to whom you may Intrust your Letters that they put Such Letters into a Bagg, with Sufficient Weight to Sink the Same immediately in Case of Iminent Danger from the Enemy, and you are also to let the Merchants and Planters know how greatly it is for their Interest that their Letters shou'd not fall into the hands of the Enemy and therefore that they shou'd give the like Orders to the Masters of Ships in relation to their Letters; And you are further to advise all Masters of Ships that they do Sink all Letters in Case of Danger in the Manner aforesaid.

23. And Whereas in the late War the Merchants and Planters in the West Indies did Correspond and Trade with the French and Carry Intelligence to them to the great Prejudice and Hazard of the British Plantations, You are therefore by all Possible Methods to endeavour to hinder all such Trade and Correspondence with the French whose Strength in the West Indies gives very Just Apprehensions of the Mischiefs that may ensue if the utmost Care be not taken to prevent them.

24. And Whereas Several Inconveniencies have Arisen to Our Government in the Plantations by Gifts and Presents made to our Governors by the General Assembly IT IS OUR EX-

PRESS WILL AND PLEASURE that neither you our Governor Lieutenant Governor Commander in Chief or President in the Council of our Colony of Virginia for the time being do give your or their Consent to the Passing any Law or Act for any Gift or Present to be made to you or them by the Assembly and that neither you nor they do receive any Gifts or Presents from the Assembly or others on any Account; or in any Manner whatsoever upon Pain of our highest displeasure and of being recall'd from that our Government.

25. And we do further direct and require that this declaration of our Royal Will and Pleasure be Communicated to the Assembly at their first Meeting after your arrival in that Colony and Enter'd in the Registers of our Council and Assembly that all Persons whom it may concern may govern themselves accordingly.

26. And Whereas we are Willing in the best Manner to provide for the Support of the Government in Virginia by Setting a Part a Sufficient allowance to such as shall be our Lieutenant Governor or Commander in Chief residing for the time being within the Same OUR WILL AND PLEASURE THEREFORE IS That when it shall happen that you shall absent yourself from Our said Colony, one full Moiety of the Salary & of all Perquisites & Emoluments whatsoever which wou'd otherwise become due unto you shall during the time of your Absence from the said Colony be paid and Satisfy'd unto Such Lieut. Governor, or Commander in Chief or President of our Council who shall be resident upon the place for the time being, which we do hereby Order and allot to him towards his Maintenance and for the better Support of the Dignity of our Government.

27. And Whereas great Prejudice may happen to our Service and to the security of that Colony by your Absence from those Parts without Sufficient Cause & Especial Leave from us for Prevention thereof You are not upon any Pretence whatsoever to come to Europe from your Government without having first Obtain'd leave for so doing from us under Our Sign Manual and Signet or by our Order in our Privy Council, Yet Nevertheless in Case of Sickness you may go to New York or any other of our Neighbouring Plantations and there stay for such a Space

of time as the recovery of your Health may absolutely require.

28. You are not to Permit any Clause whatsoever to be inserted in any Law for Levying Money or the Value of Money whereby the same shall not be made lyable to be accounted for unto Us here in Great Britain and to our Commissioners of our Treasury or Our High Treasurer for the time being.

29. And We do particularly require and Enjoin you upon Pain of Our Highest displeasure to take care that fair Books of Accounts of all Receipts and Payments of all such Money be duly kept and the truth thereof Attested upon Oath, And that the said Book be transmitted every half Year or Oftener to our Commissioners of our Treasury or to our high Treasurer for the time being and to our Commissioners for Trade and Plantations and Duplicates thereof by the next Conveyance in which Books shall be Specify'd every Particular Sum rais'd or dispos'd of together with the Names of the Persons to whom any Payment shall be made to the End we may be Satisfy'd of the Right and due Application of the Revenues of our Said Colony.

30. You are not to Suffer any Publick money whatsoever to be issued or Dispos'd of otherways than by Warrant under your hand by and with the Advice of our said Council, But the Assembly may nevertheless be permitted from time to time to View & Examine the Accounts of Money or Value of Money dispos'd of by Vertue of Laws made by them, which you are to Signify unto them as there shall be Occasion.

31. AND IT IS OUR EXPRESS WILL AND PLEASURE that no Law for raising any Imposition on Wines and other Strong Liquors be made to Continue for less than one whole Year as also that all other Laws whatsoever for the good Government and Support of the said Colony be made Indefinite and without Limitation of time except the Same be for a Temporary end and which shall expire and have its full Effect within a Certain time.

32. AND THEREFORE you Shall not Re-Enact any Law which hath or Shall have been once Enacted there Except upon very Urgent Occassions, but in no Case more than once without our Express consent.

33. You shall take Care that an Act Pass'd here in the Sixth Year of the Reign of her late Majesty Queen Anne for Ascertaining the Rates of foreign Coins in our Plantations in America be daily observ'd and put in Execution.

34. And You are particularly not to pass any Law, or do any Act, by Grant Settlement or Otherwise whereby our Revenue may be lessen'd or Impair'd without our Especial leave or Command therein.

35. You shall take Care that the Members of the Assembly be Elected only by Freeholders as being more agreeable to the Custom of this Kingdom to which you are as near as may be to Conform yourself.

36. You shall reduce the Salary of the Members of the Assembly to such a Moderate Proportion as may be no grievence to the Country wherein Nevertheless you are to use your discretion, so as no inconvenience may arise thereby.

37. Whereas an Act has been Pass'd in Virginia on 16 April in the Year 1684 Entitled an Act for Altering the time of holding General Courts, You are to Propose to the Next Assembly (if the Same be not already done) that a clause be added to the said Act whereby it may be provided that the Power of Appointing Courts to be held at any time whatsoever remain in you or the Commander in Chief of that our said Colony for the time being.

38. You shall not remit any fines or forfeitures whatsoever above the Sum of Ten Pounds, nor dispose of any Escheats fines or forfeitures whatsoever until upon Signifying unto our Commissioners of our Treasury, or Our high Treasurer for the time being, and to our Commissoners for Trade and Plantations, the Nature of the Offence and the Occasion of such fines forfeitures or Escheats with the Particular Sums or Value thereof which you are to do with all Speed Until you shall have receiv'd our Directions therein, But you may in the mean time Suspend the Payment of the said Fines and Forfeitures.

39. You are to require the Secretary of our Said Colony or his Deputy for the time being to furnish you with Transcripts of all such Acts and Publick Orders as shall be made from time

to time together with a Copy of the Journals of the Council to the end the same transmitted Unto us, and to our Commissioners for Trade and Plantations as above directed, which he is duly to perform upon Pain of incurring the Forfeiture of his Place.

40. You are also to require from the Clerk of the Assembly or other Proper Officer Transcripts of all the Journals and other Proceedings of the said Assembly to the end the same may in like manner be transmitted as aforesaid.

41. You are likewise to send a list of all Officers Employ'd under your Government together with all Publick Charges, and an Account of the Present Revenue with the Probability of the Increase or Diminution of it under every head or Article thereof.

42. You shall not displace any of the Judges, Justices, Sheriffs or other Officers or Ministers within our said Colony without good and Sufficient cause to be Signified to us and to our Commissioners for Trade and Plantations.

43. And to prevent Arbitrary removals of Judges and Justices of the Peace You are not to express any Limitation of time in the Commissions which you are to Grant (with the Advice and Consent of our said Council) to Persons fit for those Employments nor shall you Execute by yourself or Deputy any of the said Offices nor Suffer any Person to Execute more Offices than One by Deputy.

44. Whereas there are Several Offices within our said Colony Granted under our Great Seal of this Kingdom and that our Service may be very much prejudiced by reason of the absence of the Patentees and by their Appointing Deputies not fit to Officiate in their Stead You are therefore to Inspect the said Offices and to Enquire into the Capacity and behaviour of the Persons now Exercising them, and to Report thereupon to us and to our Commissioners for Trade and Plantations what you think fit to be done or Alter'd in relation thereunto, & you are upon the Misbehaviour of any of the said Patentees or their Deputies to Suspend them from the Execution of their Places till you shall have represented the whole Matter and receive our Directions therein, and in Case of the Suspension of

any such Officer IT IS OUR EXPRESS WILL AND PLEASURE that you take Care that the Person appointed to Execute the Place during such Suspension do give Sufficient Security to the Person Suspended to be answerable to him for the Profits accruing during such Suspension in Case we shall think fit to restore him to his Place again But you shall not by Colour of any Power or Authority hereby or Otherwise Granted or mention'd to be Granted unto you take upon you to give Grant

Dispose of any Office or Place within our said Colony which now is or shall be Granted under the Great Seal of Great Britain any otherwise than that you may upon the Vacancy of any such Place or Office or Suspension of any such Officer by you as aforesaid put in any fit Person to Officiate in the Interval till you shall have represented the Matter unto us and to our Commissioners for Trade and Plantations as aforesaid, which you are to do by the first Opportunity and till the said Office or Place be dispos'd of by Us, Our Heirs or Successors under the Great Seal of Great Britain, or that our further Directions be given therein And OUR WILL AND PLEASURE is that you do Countenance and give all due Encouragement to all our Patent Officers in the Enjoyment of their Legal and Accustomed Fees, Rights, Privileges, and Emoluments according to the true Intent and meaning of their Patents.

45. Whereas We are above all things desirous that, all Our Subjects may enjoy their Legal Rights and Properties You are to take Especial Care that if any Person be Committed for any Criminal Matters unless for Treason & Felony, plainly and Especially expressed in the Warrant of Commitment to have free Liberty to Petition by himself or otherwise the Chief Barron or any one of the Judges of the Common Pleas for a Writ of Habeas Corpus, which upon such Application shall be granted and Served on the Provost Marshall Goaler or other Officer having the Custody of such Prisoner, or shall be left at the Goal or Place where the Prisoner is confin'd and the said Provost Marshall or other Officer shall within three days after such service on the Petitioners Paying the Fees & Charges, and giving Security that he will not escape by the way make return of the Writ and Prisoner before the



Judge who granted out the said Writ and there Certify the true Cause of the Imprisonment, and the said Baron or Judge shall Discharge such Prisoner taking his Recognizance and Sureties for his Appearance at the Court where the Offence is Cognizable, and Certifie the said Writ and Recognizance into the Court unless Such Offences appear to the said Baron or Judge not Bailable by the Law of England.

46. And in Case the Said Baron or Judge shall refuse to grant a Writ of Habeas Corpus on View of the Copy of Commitment or upon Oath made of such Copy having been deny'd the Prisoner or any Person requiring the Same in his behalf or shall delay to discharge the Prisoner after the granting such Writ the said Baron or Judge shall incur the forfeiture of his Place.

47. You are likewise to declare our Pleasure that in Case the Provost Marshal or other Officer shall Imprison any Person above Twelve Hours except by a Mittimus setting forth the Cause thereof he be removed from his said Office.

48. And upon the Application of any Person wrongfully Committeed the Baron or Judge shall issue his Warrant to the Provost Marshall or other Officer to bring the Prisoner before him who shall be discharged without Bail or Paying Fees, & the Provost Marshall or other Officer refusing Obedience to such Warrant shall be thereupon removed, and if the said Baron or Judge denies the Warrant he shall likewise Incur the forfeiture of his Place.

49. And You shall give directions that no Prisoner being set at large by an Habeas Corpus be recommitted for the said Offence but by the Court where he is bound to appear and if any Baron, Judge, Provost Marshall or other Officer contrary hereunto shall recommit such Person so Bail'd or deliver'd you are to remove him from his Place, and if the Provost Marshall or other Officer having the Custody of the Prisoner neglects to return the Habeas Corpus or refuses a Copy of the Commitment within Six hours after demand made by the Prisoner or any other in his behalf shall likewise Incurr the forfeiture of his Place.

50. And for the better Prevention of long Imprisonments you are to appoint two Courts of Oyer & Terminer to be held Yearly, Viz, on the Second Thursday in December and the Second Tuesday in June, the Charge whereof to be paid by the Publick Treasury of Our said Colony not exceeding One Hundred Pounds each Session.

51. You are to take Care that all Prisoners in Case of Treason or Felony have free Liberty to Petition in Open Courts for their Tryals, that they be indicted at the first Court of Oyer and Terminer unless it appears upon Oath that the Witnesses against them cou'd not be produced and that they be try'd the Second Court or discharg'd and the Baron or Judge upon Motion made the last Day of the Sessions in Open Court is to Bail the Prisoners, or upon the refusal of the said Baron or Judge and Provost Marshal or Other Officer to do their respective Duties herein they shall be remov'd from their Places.

(To be Continued.)